



## Senate

General Assembly

**File No. 210**

January Session, 2017

Substitute Senate Bill No. 893

*Senate, March 23, 2017*

The Committee on Children reported through SEN. MOORE, M. of the 22nd Dist. and SEN. SUZIO of the 13th Dist., Chairpersons of the Committee on the part of the Senate, that the substitute bill ought to pass.

***AN ACT CONCERNING REVISIONS TO CERTAIN STATUTES  
REGARDING THE DEPARTMENT OF CHILDREN AND FAMILIES.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 17a-28 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective July 1, 2017*):

3 (a) As used in this section:

4 (1) "Person" means (A) any individual named in a record,  
5 maintained by the department, who (i) is presently or at any prior time  
6 was a ward of or committed to the commissioner for any reason; (ii)  
7 otherwise received services, voluntarily or involuntarily, from the  
8 department; or (iii) is presently or was at any prior time the subject of  
9 an investigation by the department; (B) a parent whose parental rights  
10 have not been terminated or current guardian of an individual  
11 described in subparagraph (A) of this subdivision, if such individual is  
12 a minor; or (C) the authorized representative of an individual

13 described in subparagraph (A) of this subdivision, if such individual is  
14 deceased;

15 (2) "Attorney" means the licensed attorney authorized to assert the  
16 confidentiality of or right of access to records of a person;

17 (3) "Authorized representative" means a parent, guardian, guardian  
18 ad litem, attorney, conservator or other individual authorized to assert  
19 the confidentiality of or right of access to records of a person;

20 (4) "Consent" means permission given in writing by a person, such  
21 person's attorney or authorized representative to disclose specified  
22 information, within a limited time period, regarding the person to  
23 specifically identified individuals or entities;

24 (5) "Records" means information created or obtained in connection  
25 with the department's child protection activities or other activities  
26 related to a child while in the care or custody of the department,  
27 including information in the registry of reports to be maintained by the  
28 commissioner pursuant to section 17a-101k;

29 (6) "Disclose" means (A) to provide an oral summary of records  
30 maintained by the department to an individual, agency, corporation or  
31 organization, or (B) to allow an individual, agency, corporation or  
32 organization to review or obtain copies of such records in whole, part  
33 or summary form;

34 (7) "Near fatality" means an act that places a child in serious or  
35 critical condition.

36 (b) Notwithstanding the provisions of section 1-210, 1-211 or 1-213,  
37 records maintained by the department shall be confidential and shall  
38 not be disclosed, unless the department receives written consent from  
39 the person or as provided in this section, section 17a-101g or section  
40 17a-101k. Any unauthorized disclosure shall be punishable by a fine of  
41 not more than one thousand dollars or imprisonment for not more  
42 than one year, or both. Any employee of the department who in the  
43 ordinary course of such person's employment has reasonable cause to

44 suspect or believe that another employee has engaged in the  
45 unauthorized disclosure of records shall report in writing such  
46 unauthorized disclosure of records to the commissioner. The report  
47 shall include the name of the person disclosing the information and the  
48 nature of the information disclosed and to whom it was disclosed, if  
49 known.

50 (c) Records that (1) contain privileged communications, or (2) are  
51 confidential pursuant to any federal law or regulation shall not be  
52 disclosed except as authorized by law.

53 (d) Any information disclosed from a person's record shall not be  
54 further disclosed to another individual or entity without the written  
55 consent of the person, except (1) pursuant to section 19a-80 or 19a-80f,  
56 provided such disclosure is otherwise permitted pursuant to  
57 subsections (b) and (c) of this section, (2) pursuant to the order of a  
58 court of competent jurisdiction, or (3) as otherwise provided by law.

59 (e) The commissioner shall, upon written request, disclose the  
60 following information concerning agencies licensed by the Department  
61 of Children and Families, except foster care parents, relatives of the  
62 child who are licensed to provide foster care or prospective adoptive  
63 families: (1) The name of the licensee; (2) the date the original license  
64 was issued; (3) the current status of the license; (4) whether an agency  
65 investigation or review is pending or has been completed; and (5) any  
66 licensing action taken by the department at any time during the period  
67 such license was issued and the reason for such action, provided  
68 disclosure of such information will not jeopardize a pending  
69 investigation.

70 (f) The name of any individual who reports suspected abuse or  
71 neglect of a child or youth or cooperates with an investigation of child  
72 abuse or neglect shall be kept confidential upon request or upon  
73 determination by the department that disclosure of such information  
74 may be detrimental to the safety or interests of the individual, except  
75 the name of any such individual shall be disclosed pursuant to  
76 subparagraph (B) of subdivision (1) of subsection (g) of this section to

77 (1) an employee of the department for reasons reasonably related to  
78 the business of the department; (2) a law enforcement officer for  
79 purposes of investigating (A) abuse or neglect of a child or youth, or  
80 (B) an allegation that such individual falsely reported the suspected  
81 abuse or neglect of a child or youth; (3) a state's attorney for purposes  
82 of investigating or prosecuting (A) abuse or neglect of a child or youth,  
83 or (B) an allegation that such individual falsely reported the suspected  
84 abuse or neglect of a child or youth; (4) an assistant attorney general or  
85 other legal counsel representing the department; (5) a judge of the  
86 Superior Court and all necessary parties in a court proceeding  
87 pursuant to section 17a-112 or 46b-129, or a criminal prosecution  
88 involving child abuse or neglect; (6) a state child care licensing agency;  
89 or (7) the executive director of any institution, school or facility or  
90 superintendent of schools pursuant to section 17a-101i, as amended by  
91 this act.

92 (g) The department shall disclose records, subject to subsections (b)  
93 and (c) of this section, without the consent of the person who is the  
94 subject of the record, to:

95 (1) The person named in the record or such person's authorized  
96 representative, provided such disclosure shall be limited to  
97 information (A) contained in the record about such person or about  
98 such person's biological or adoptive minor child, if such person's  
99 parental rights to such child have not been terminated; and (B)  
100 identifying an individual who reported abuse or neglect of the person,  
101 including any tape recording of an oral report pursuant to section 17a-  
102 103, if a court determines that there is reasonable cause to believe the  
103 reporter knowingly made a false report or that the interests of justice  
104 require disclosure;

105 (2) An employee of the department for any purpose reasonably  
106 related to the performance of such employee's duties;

107 (3) A guardian ad litem or attorney appointed to represent a child or  
108 youth in litigation affecting the best interests of the child or youth;

109       (4) An attorney representing a parent, guardian or child in a petition  
110 filed in the Superior Court pursuant to section 17a-112 or 46b-129,  
111 provided (A) if such records do not pertain to such attorney's client or  
112 such client's child, such records shall not be further disclosed to  
113 another individual or entity by such attorney except pursuant to the  
114 order of a court of competent jurisdiction, (B) if such records are  
115 confidential pursuant to federal law, such records shall not be  
116 disclosed to such attorney or such attorney's client unless such  
117 attorney or such attorney's client is otherwise entitled to such records,  
118 and (C) nothing in this subdivision shall limit the disclosure of records  
119 under subdivision (3) of this subsection;

120       [(4)] (5) The Attorney General, any assistant attorney general or any  
121 other legal counsel retained to represent the department during the  
122 course of a legal proceeding involving the department or an employee  
123 of the department;

124       [(5)] (6) The Child Advocate or the Child Advocate's designee;

125       [(6)] (7) The Chief Public Defender or the Chief Public Defender's  
126 designee for purposes of ensuring competent representation by the  
127 attorneys with whom the Chief Public Defender contracts to provide  
128 legal and guardian ad litem services to the subjects of such records and  
129 for ensuring accurate payments for services rendered by such  
130 attorneys;

131       [(7)] (8) The Chief State's Attorney or the Chief State's Attorney's  
132 designee for purposes of investigating or prosecuting (A) an allegation  
133 related to child abuse or neglect, (B) an allegation that an individual  
134 made a false report of suspected child abuse or neglect, or (C) an  
135 allegation that a mandated reporter failed to report suspected child  
136 abuse or neglect in accordance with section 17a-101a, provided such  
137 prosecuting authority shall have access to records of a child charged  
138 with the commission of a delinquent act, who is not being charged  
139 with an offense related to child abuse, only while the case is being  
140 prosecuted and after obtaining a release;

141        [(8)] (9) A state or federal law enforcement officer for purposes of  
142 investigating (A) an allegation related to child abuse or neglect, (B) an  
143 allegation that an individual made a false report of suspected child  
144 abuse or neglect, or (C) an allegation that a mandated reporter failed to  
145 report suspected child abuse or neglect in accordance with section 17a-  
146 101a;

147        [(9)] (10) A foster or prospective adoptive parent, if the records  
148 pertain to a child or youth currently placed with the foster or  
149 prospective adoptive parent, or a child or youth being considered for  
150 placement with the foster or prospective adoptive parent, and the  
151 records are necessary to address the social, medical, psychological or  
152 educational needs of the child or youth, provided no information  
153 identifying a biological parent is disclosed without the permission of  
154 such biological parent;

155        [(10)] (11) The Governor, when requested in writing in the course of  
156 the Governor's official functions, the Legislative Program Review and  
157 Investigations Committee, the joint standing committee of the General  
158 Assembly having cognizance of matters relating to human services, the  
159 joint standing committee of the General Assembly having cognizance  
160 of matters relating to the judiciary or the joint standing committee of  
161 the General Assembly having cognizance of matters relating to  
162 children, when requested in writing by any of such committees in the  
163 course of such committee's official functions, and upon a majority vote  
164 of such committee, provided no name or other identifying information  
165 is disclosed unless such information is essential to the gubernatorial or  
166 legislative purpose;

167        [(11)] (12) The Office of Early Childhood for the purpose of (A)  
168 determining the suitability of a person to care for children in a facility  
169 licensed pursuant to section 19a-77, 19a-80 or 19a-87b; (B) determining  
170 the suitability of such person for licensure; (C) an investigation  
171 conducted pursuant to section 19a-80f; (D) notifying the office when  
172 the Department of Children and Families places an individual licensed  
173 or certified by the office on the child abuse and neglect registry

174 pursuant to section 17a-101k; or (E) notifying the office when the  
175 Department of Children and Families possesses information regarding  
176 an office regulatory violation committed by an individual licensed or  
177 certified by the office;

178 [(12)] (13) The Department of Developmental Services, to allow said  
179 department to determine eligibility, facilitate enrollment and plan for  
180 the provision of services to a child who is a client of said department  
181 and who is applying to enroll in or is enrolled in said department's  
182 behavioral services program. At the time that a parent or guardian  
183 completes an application for enrollment of a child in the Department of  
184 Developmental Services' behavioral services program, or at the time  
185 that said department updates a child's annual individualized plan of  
186 care, said department shall notify such parent or guardian that the  
187 Department of Children and Families may provide records to the  
188 Department of Developmental Services for the purposes specified in  
189 this subdivision without the consent of such parent or guardian;

190 [(13)] (14) Any individual or entity for the purposes of identifying  
191 resources that will promote the permanency plan of a child or youth  
192 approved by the court pursuant to sections 17a-11, 17a-111b, 46b-129  
193 and 46b-141;

194 [(14)] (15) A state agency that licenses or certifies [an individual] a  
195 person to educate, [or] care for or provide services to children or  
196 [youth] youths;

197 [(15)] (16) A judge or employee of a Probate Court who requires  
198 access to such records in order to perform such judge's or employee's  
199 official duties;

200 [(16)] (17) A judge of the Superior Court for purposes of  
201 determining the appropriate disposition of a child convicted as  
202 delinquent or a child who is a member of a family with service needs;

203 [(17)] (18) A judge of the Superior Court in a criminal prosecution  
204 for purposes of in camera inspection whenever (A) the court has

205 ordered that the record be provided to the court; or (B) a party to the  
206 proceeding has issued a subpoena for the record;

207 [(18)] (19) A judge of the Superior Court and all necessary parties in  
208 a family violence proceeding when such records concern family  
209 violence with respect to the child who is the subject of the proceeding  
210 or the parent of such child who is the subject of the proceeding;

211 [(19)] (20) The Auditors of Public Accounts, or their representative,  
212 provided no information identifying the subject of the record is  
213 disclosed unless such information is essential to an audit conducted  
214 pursuant to section 2-90;

215 [(20)] (21) A local or regional board of education, provided the  
216 records are limited to educational records created or obtained by the  
217 state or Connecticut Unified School District #2, established pursuant to  
218 section 17a-37;

219 [(21)] (22) The superintendent of schools for any school district for  
220 the purpose of determining the suitability of a person to be employed  
221 by the local or regional board of education for such school district  
222 pursuant to subsection (a) of section 10-221d;

223 [(22)] (23) The Department of Motor Vehicles for the purpose of  
224 criminal history records checks pursuant to subsection (e) of section  
225 14-44, provided information disclosed pursuant to this subdivision  
226 shall be limited to information included on the Department of  
227 Children and Families child abuse and neglect registry established  
228 pursuant to section 17a-101k, subject to the provisions of sections 17a-  
229 101g and 17a-101k concerning the nondisclosure of findings of  
230 responsibility for abuse and neglect;

231 [(23)] (24) The Department of Mental Health and Addiction Services  
232 for the purpose of treatment planning for young adults who have  
233 transitioned from the care of the Department of Children and Families;

234 [(24)] (25) The superintendent of a public school district or the  
235 executive director or other head of a public or private institution for



236 children providing care for children or a private school (A) pursuant to  
237 sections 17a-11, 17a-101b, 17a-101c, 17a-101i, as amended by this act,  
238 17a-111b, 46b-129 and 46b-141, or (B) when the Department of  
239 Children and Families places an individual employed by such  
240 institution or school on the child abuse and neglect registry pursuant  
241 to section 17a-101k;

242 [(25)] (26) The Department of Social Services for the purpose of (A)  
243 determining the suitability of a person for payment from the  
244 Department of Social Services for providing child care; (B) promoting  
245 the health, safety and welfare of a child or youth receiving services  
246 from either department; or (C) investigating allegations of fraud  
247 provided no information identifying the subject of the record is  
248 disclosed unless such information is essential to any such  
249 investigation;

250 [(26)] (27) The Court Support Services Division of the Judicial  
251 Branch, to allow the division to determine the supervision and  
252 treatment needs of a child or youth, and provide appropriate  
253 supervision and treatment services to such child or youth, provided  
254 such disclosure shall be limited to information that identifies the child  
255 or youth, or a member of such child's or youth's immediate family, as  
256 being or having been (A) committed to the custody of the  
257 Commissioner of Children and Families as delinquent, (B) under the  
258 supervision of the Commissioner of Children and Families, or (C)  
259 enrolled in the voluntary services program operated by the  
260 Department of Children and Families;

261 [(27)] (28) The Court Support Services Division of the Judicial  
262 Branch for the purpose of sharing common case records to track  
263 recidivism of juvenile offenders; [and]

264 [(28)] (29) The birth-to-three program's referral intake office for the  
265 purpose of (A) determining eligibility of, (B) facilitating enrollment for,  
266 and (C) providing services to (i) substantiated victims of child abuse  
267 and neglect with suspected developmental delays, and (ii) newborns  
268 impacted by withdrawal symptoms resulting from prenatal drug

269 exposure; [.] and

270 (30) The Department of Public Health for the purpose of notification  
271 when the Commissioner of Children and Families places an individual  
272 licensed or certified by the Department of Public Health on the child  
273 abuse and neglect registry established pursuant to section 17a-101k.

274 (h) The department may, subject to subsections (b) and (c) of this  
275 section, disclose records without the consent of the person who is the  
276 subject of the record, to:

277 (1) An employee or former employee of the department or such  
278 employee or former employee's authorized representative for purposes  
279 of participating in any court, administrative or disciplinary  
280 proceeding, provided such disclosure shall be limited to records that  
281 are necessary to the proceeding, as determined by the department;

282 (2) Multidisciplinary teams, as described in section 17a-106a;

283 (3) A provider of professional services for a child, youth or parent  
284 referred to such provider, provided such disclosure is limited to  
285 information necessary to provide services to the child, youth or parent;

286 (4) An individual or agency under contract with the department for  
287 the purposes of identifying and assessing a potential foster or adoptive  
288 home or visiting resource for a child or youth, provided no  
289 information identifying a biological parent of a child or youth is  
290 disclosed without the permission of such biological parent;

291 (5) A physician examining a child with respect to whom abuse or  
292 neglect is suspected and who is authorized pursuant to section 17a-  
293 101f to keep the child in the custody of a hospital when such physician  
294 requires the information in a record of the department to determine  
295 whether to keep the child in protective custody;

296 (6) An individual who reports child abuse or neglect pursuant to  
297 sections 17a-101a to 17a-101c, inclusive, or section 17a-103, who made  
298 a report of abuse or neglect, provided the information disclosed is

299 limited to (A) the status of the investigation conducted pursuant to  
300 section 17a-101g resulting from the individual's report; and (B) in  
301 general terms, the action taken by the department as a result of such  
302 investigation;

303 (7) An individual or organization engaged in the business of  
304 medical, psychological or psychiatric diagnosis and treatment and who  
305 is treating [an individual who has perpetrated abuse or neglect, as  
306 determined in an investigation conducted pursuant to section 17a-  
307 101g, or who is unwilling or unable to protect a child or youth from  
308 abuse or neglect, as determined in an investigation conducted  
309 pursuant to section 17a-101g, when] a person, provided the  
310 commissioner, or the commissioner's designee, determines that the  
311 disclosure is necessary to accomplish the objectives of diagnosis or  
312 treatment;

313 (8) A court or public agency in another state or a federally  
314 recognized Indian tribe, that is responsible for investigating child  
315 abuse or neglect, preventing child abuse and neglect or providing  
316 services to families at risk for child abuse or neglect, for the purpose of  
317 such investigation, prevention or providing services to such families;

318 (9) An individual conducting bona fide research, provided no  
319 information identifying the subject of the record is disclosed unless (A)  
320 such information is essential to the purpose of the research; and (B) the  
321 department has given written approval for the use of such  
322 information;

323 (10) An individual or agency involved in the collection of fees for  
324 services, provided such information is limited to the name and address  
325 of the person who received the services and the fees for services,  
326 except as provided in section 17b-225. In cases where a dispute arises  
327 over such fees or claims or where additional information is needed to  
328 substantiate the fee or claim, the Department of Children and Families  
329 may disclose the following: (A) That the person was, in fact, provided  
330 services by the department; (B) the dates and duration of such services;  
331 and (C) a general description of the types of services, including

332 evidence that a service or treatment plan exists and has been carried  
333 out and evidence to substantiate the necessity for admission and  
334 length of stay in an institution or facility;

335 (11) A law enforcement officer or state's attorney if there is  
336 reasonable cause to believe that (A) a child or youth is being abused or  
337 neglected or at risk of being abused or neglected as a result of any  
338 suspected criminal activity by any individual, or (B) an employee of  
339 the department is being threatened or harassed or has been assaulted  
340 by a client or coworker;

341 (12) Any individual interviewed as part of an investigation  
342 conducted pursuant to section 17a-101g, who is not otherwise entitled  
343 to such information, provided such disclosure is limited to: (A) The  
344 general nature of the allegations contained in the reports; (B) the  
345 identity of the child or youth alleged to have been abused or neglected;  
346 and (C) information necessary to effectively conduct the investigation;

347 (13) Any individual, when information concerning an incident of  
348 child abuse or neglect has been made public or the commissioner  
349 reasonably believes publication of such information is likely, provided  
350 such disclosure is limited to: (A) Whether the department has received  
351 any report in accordance with sections 17a-101a to 17a-101c, inclusive,  
352 or section 17a-103; (B) in general terms, any action taken by the  
353 department, provided: (i) Names or other individually identifiable  
354 information of the child or other family members is not disclosed,  
355 regardless of whether such individually identifiable information is  
356 otherwise available, and (ii) the name or other individually identifiable  
357 information of the person suspected to be responsible for the abuse or  
358 neglect is not disclosed unless such person has been arrested for a  
359 crime due to such abuse or neglect; (C) confirmation or denial of the  
360 accuracy of information that has been made public; and (D)  
361 notwithstanding the provisions of section 46b-124, in general terms,  
362 the legal status of the case;

363 (14) Any individual for the purpose of locating such individual's  
364 missing parent, child, [or youth,] sibling, aunt, uncle, first cousin or

365 grandparent, provided such disclosure is limited to information that  
366 assists in locating such missing parent, child, [or youth] sibling, aunt,  
367 uncle, first cousin or grandparent;

368 (15) Any individual, when the information concerns an incident of  
369 abuse or neglect that resulted in a child or youth fatality or near  
370 fatality of a child or youth, provided disclosure of such information is  
371 in general terms and does not jeopardize a pending investigation;

372 (16) A judge of a court of competent jurisdiction whenever an  
373 employee of the department is subpoenaed and ordered to testify  
374 about such records for purposes of in camera inspection to determine  
375 if such records may be disclosed pursuant to this section if (A) the  
376 court has ordered that such records be provided to the court; or (B) a  
377 party to the proceeding has issued a subpoena for such records;

378 (17) An individual who is not employed by the department who  
379 arranges, performs or assists in performing functions or activities on  
380 behalf of the department, including, but not limited to, data analysis,  
381 processing or administration, utilization reviews, quality assurance,  
382 practice management, consultation, data aggregation and accreditation  
383 services.

384 (i) Notwithstanding the provisions of subsections (e) to (h),  
385 inclusive, of this section, the department may refuse to disclose records  
386 to any individual, provided the department gives such individual  
387 notice (1) that records are being withheld; (2) of the general nature of  
388 the records being withheld; (3) of the department's reason for refusing  
389 to disclose the records; and (4) of the individual's right to judicial relief  
390 pursuant to subsection (j) of this section.

391 (j) (1) Any person or individual aggrieved by a violation of  
392 subsection (b) or (d), subsections (f) to (h), inclusive, or subsection (k)  
393 of this section, or a person's authorized representative, may seek  
394 judicial relief in the manner prescribed in section 52-146j.

395 (2) Any person, individual or authorized representative denied

396 access to records by the commissioner under subdivision (i) of this  
397 section may petition the superior court for the venue district provided  
398 in section 46b-142 in which the person resides for an order requiring  
399 the commissioner to permit access to those records, and the court, after  
400 a hearing and an in camera review of the records in question, shall  
401 issue such an order unless it determines that permitting disclosure of  
402 all or any portion of the record (A) would be contrary to the best  
403 interests of the person or the person's authorized representative; (B)  
404 could reasonably result in the risk of harm to any individual; or (C)  
405 would contravene the public policy of the state.

406 (k) All written records disclosed to an individual who is not the  
407 subject of the record, an agency, an entity or an organization shall bear  
408 a stamp requiring confidentiality in accordance with the provisions of  
409 this section. Such records shall not be disclosed to another individual,  
410 agency, entity or an organization without the written consent of the  
411 person who is the subject of the record or as provided by this section.  
412 A copy of the consent form, specifying to whom and for what specific  
413 use the record is disclosed or a statement setting forth any other  
414 statutory authorization for disclosure and the limitations imposed on  
415 such disclosure, shall accompany the record. In cases where the  
416 disclosure is made orally, the individual disclosing the information  
417 shall inform the recipient that such information is governed by the  
418 provisions of this section.

419 (l) Whenever any person, attorney or authorized representative,  
420 having obtained access to any record, believes there are factually  
421 inaccurate entries or materials contained in such record, such person,  
422 attorney or authorized representative may add a statement to the  
423 record setting forth what such person, attorney or authorized  
424 representative believes to be an accurate statement of those facts and  
425 such statement shall become a permanent part of the record.

426 (m) The Department of Children and Families may charge a  
427 reasonable fee for any record disclosed pursuant to this section that  
428 exceeds one hundred pages in length. Such fee shall be waived if the

429 individual requesting such record is indigent.

430       Sec. 2. Section 17a-117 of the general statutes is repealed and the  
431 following is substituted in lieu thereof (*Effective July 1, 2017*):

432       (a) The Department of Children and Families may, and is  
433 encouraged to, contract with child-placing agencies to arrange for the  
434 adoption of children who are free for adoption. If (1) a child for whom  
435 adoption is indicated, cannot, after all reasonable efforts consistent  
436 with the best interests of the child, be placed in adoption through  
437 existing sources because the child is a special needs child, and (2) the  
438 adopting family meets the standards for adoption which any other  
439 adopting family meets, the Commissioner of Children and Families  
440 shall, before adoption of such child by such family, certify such child  
441 as a special needs child and, after adoption, provide one or more of the  
442 following subsidies for the adopting parents: (A) A special-need  
443 subsidy, which is a lump sum payment paid directly to the person  
444 providing the required service, to pay for an anticipated expense  
445 resulting from the adoption when no other resource is available for  
446 such payment; or (B) a periodic subsidy which is a payment to the  
447 adopting family; and (C) in addition to the subsidies granted under  
448 this subsection, any medical benefits which are being provided prior to  
449 final approval of the adoption by the superior court for juvenile  
450 matters or the Probate Court in accordance with the fee schedule and  
451 payment procedures under the state Medicaid program administered  
452 by the Department of Social Services shall continue as long as the child  
453 qualifies as a dependent of the adoptive parent under the provisions of  
454 the Internal Revenue Code. The amount of a periodic subsidy shall not  
455 exceed the current costs of foster maintenance care.

456       (b) A medical subsidy may continue until the child reaches twenty-  
457 one years of age. A periodic subsidy may continue until the child  
458 reaches age eighteen, except such periodic subsidy may continue for a  
459 child who is at least eighteen years of age but less than twenty-one  
460 years of age, provided: (1) The adoption was finalized on or after  
461 October 1, 2013, (2) the child was sixteen years of age or older at the

462 time the adoption was finalized, and (3) the child is (A) enrolled in a  
463 full-time approved secondary education program or an approved  
464 program leading to an equivalent credential; (B) enrolled full time in  
465 an institution that provides postsecondary or vocational education; or  
466 (C) participating full time in a program or activity approved by the  
467 commissioner that is designed to promote or remove barriers to  
468 employment. The commissioner, in his or her discretion, may waive  
469 the provision of full-time enrollment or participation based on  
470 compelling circumstances.

471 (c) The periodic subsidy is subject to review by the commissioner as  
472 provided in section 17a-118, as amended by this act.

473 (d) Requests for subsidies after a final approval of the adoption by  
474 the superior court for juvenile matters or the Probate Court may be  
475 considered at the discretion of the commissioner for conditions  
476 resulting from or directly related to the totality of circumstances  
477 surrounding the child prior to placement in adoption. A written  
478 certification of the need for a subsidy shall be made by the  
479 commissioner in each case and the type, amount and duration of the  
480 subsidy shall be mutually agreed to by the commissioner and the  
481 adopting parents prior to the entry of such decree. Any subsidy  
482 decision by the commissioner may be appealed by a licensed child-  
483 placing agency or the adopting parent or parents to the [Subsidy  
484 Review Board established under subsection (e) of this section]  
485 department at a hearing conducted in accordance with the provisions  
486 of chapter 54. The commissioner shall adopt regulations establishing  
487 the procedures for determining the amount and the need for a subsidy.

488 [(e) There is established a Subsidy Review Board to hear appeals  
489 under this section, section 17a-118 and section 17a-120. The board shall  
490 consist of the Commissioner of Children and Families, or the  
491 commissioner's designee, and a representative of a child-placing  
492 agency and an adoptive parent appointed by the Governor. The  
493 Governor shall appoint an alternate representative of a child-placing  
494 agency and an alternate adoptive parent. Such alternative members



495 shall, when seated, have all the powers and duties set forth in this  
496 section and sections 17a-118, 17a-120 and 17a-126. Whenever an  
497 alternate member serves in place of a member of the board, such  
498 alternate member shall represent the same interest as the member in  
499 whose place such alternative member serves. All decisions of the board  
500 shall be based on the best interest of the child. Appeals under this  
501 section shall be in accordance with the provisions of chapter 54.]

502 Sec. 3. Subsection (a) of section 17a-118 of the general statutes is  
503 repealed and the following is substituted in lieu thereof (*Effective July*  
504 *1, 2017*):

505 (a) There shall be a biennial review of the subsidy for a child under  
506 eighteen years of age and an annual review for a child who is at least  
507 eighteen years of age but less than twenty-one years of age. Such  
508 reviews shall be conducted by the Commissioner of Children and  
509 Families. The adoptive parents shall, at the time of such review, submit  
510 a sworn statement that the condition which caused the child to be  
511 certified as a special needs child or a related condition continues to  
512 exist or has reoccurred and that the adoptive parent or parents are still  
513 legally responsible for the support of the child and that the child is  
514 receiving support from the adoptive family. A child who is at least  
515 eighteen years of age but less than twenty-one years of age shall  
516 continue to receive an adoption subsidy, pursuant to section 17a-117,  
517 as amended by this act, provided his or her adoptive parent submits, at  
518 the time of the review, a sworn statement that the child is (1) enrolled  
519 in a full-time approved secondary education program or an approved  
520 program leading to an equivalent credential; (2) enrolled full time in  
521 an institution that provides postsecondary or vocational education; or  
522 (3) participating full time in a program or activity approved by the  
523 commissioner that is designed to promote or remove barriers to  
524 employment. The commissioner, in his or her discretion, may waive  
525 the provision of full-time enrollment or participation based on  
526 compelling circumstances. The commissioner, or the commissioner's  
527 designee, may require that the adoptive parent or parents submit any  
528 additional documentation that the commissioner or designee deems

529 necessary to complete such review. If the subsidy is to be terminated  
530 or reduced by the commissioner, notice of such proposed reduction or  
531 termination shall be given, in writing, to the adoptive parents and such  
532 adoptive parents shall, at least thirty days prior to the imposition of  
533 said reduction or termination, be [given] provided a hearing [before  
534 the Subsidy Review Board] by the department in accordance with the  
535 provisions of chapter 54. If such an appeal is taken, the subsidy shall  
536 continue without modification until the final decision of the [Subsidy  
537 Review Board] department.

538       Sec. 4. Section 17a-120 of the general statutes is repealed and the  
539 following is substituted in lieu thereof (*Effective July 1, 2017*):

540       (a) Any child who is blind or physically disabled as defined by  
541 section 1-1f, mentally disabled, seriously emotionally maladjusted or  
542 has a recognized high risk of physical or mental disability as defined in  
543 the regulations adopted by the Commissioner of Children and Families  
544 pursuant to section 17a-118, as amended by this act, who is to be given  
545 or has been given in adoption by a statutory parent, as defined in  
546 section 45a-707, shall be eligible for a one hundred per cent medical  
547 expense subsidy in accordance with the fee schedule and payment  
548 procedures under the state Medicaid program administered by the  
549 Department of Social Services where such condition existed prior to  
550 such adoption, provided such expenses are not reimbursed by health  
551 insurance, or federal or state payments for health care. Application for  
552 such subsidy shall be made to the Commissioner of Children and  
553 Families by such child's adopting or adoptive parent or parents. Said  
554 commissioner shall adopt regulations governing the procedures for  
555 application and criteria for determination of the existence of such  
556 condition. A written determination of eligibility shall be made by said  
557 commissioner and may be made prior to or after identification of the  
558 adopting parent or parents. Upon a finding of eligibility, an  
559 application for such medical expense subsidy by the adopting or  
560 adoptive parent or parents on behalf of the child shall be granted, and  
561 such adopting or adoptive parent or parents shall be issued a medical  
562 identification card for such child by the Department of Children and

563 Families for the purpose of providing for payment for the medical  
564 expense subsidy. The subsidy set forth in this section shall not  
565 preclude the granting of either subsidy set forth in section 17a-117, as  
566 amended by this act, except, if the child is eligible for subsidy under  
567 this section, the child's adopting parent or parents shall not be granted  
568 a subsidy or subsidies set forth in section 17a-117, as amended by this  
569 act, that would be granted for the same purposes as the child's  
570 subsidy.

571 (b) There shall be an annual review of the medical expense subsidy  
572 set forth in subsection (a) of this section by the Commissioner of  
573 Children and Families. If, upon such annual review, the commissioner  
574 determines that the child continues to have a condition for which the  
575 subsidy was granted or has medical conditions related to such  
576 condition, and that the adoptive parent or parents are still legally  
577 responsible for the support of the child and that the child is receiving  
578 support from the adoptive family, the commissioner shall not  
579 terminate or reduce such subsidy. If the condition is corrected and  
580 conditions related to it no longer exist, or if the adoptive parent or  
581 parents are no longer legally responsible for the support of the child or  
582 if the child is no longer receiving any support from the adoptive  
583 family, the commissioner may reduce or terminate eligibility for such  
584 subsidy. If, following such reduction or termination, such condition or  
585 related conditions reoccur, the adopting or adoptive parent or parents  
586 may reapply for such subsidy. Upon receipt of such application and  
587 determination that such condition or related conditions have  
588 reoccurred, the commissioner shall grant such subsidy provided the  
589 adoptive parent or parents are still legally responsible for the support  
590 of the child or the child is receiving support from the adoptive family.  
591 If the subsidy is to be reduced or terminated by said commissioner,  
592 notice of such proposed reduction or termination shall be given, in  
593 writing, to the adoptive parent or parents and such adoptive parent or  
594 parents shall, at least thirty days prior to the imposition of said  
595 reduction or termination, be [given a hearing before the Subsidy  
596 Review Board] provided a hearing by the department in accordance  
597 with the provisions of chapter 54. If such an appeal is taken, the

598 subsidy shall continue without modification or termination until the  
599 final decision of the [Subsidy Review Board] department. Eligibility for  
600 such subsidy may continue until the child's twenty-first birthday if the  
601 condition that caused the child to be certified as a special needs child  
602 or related conditions continue to exist or have reoccurred and the child  
603 continues to qualify as a dependent of the legal adoptive parent under  
604 the Internal Revenue Code. In no case shall the eligibility for such  
605 subsidy continue beyond the child's twenty-first birthday.

606 Sec. 5. Section 17a-126 of the general statutes is repealed and the  
607 following is substituted in lieu thereof (*Effective July 1, 2017*):

608 (a) As used in this section, (1) "caregiver" means (A) a fictive kin  
609 caregiver, as defined in section 17a-114, who is licensed or approved to  
610 provide foster care, and who is caring for a child, (B) a relative  
611 caregiver, which means a person who is twenty-one years of age or  
612 older, related to a child by birth, adoption or marriage and is licensed  
613 or approved to provide foster care, or (C) a person who is a licensed or  
614 approved foster care provider pursuant to section 17a-114 and is  
615 caring for a child because the parent of the child has died or become  
616 otherwise unable to care for the child for reasons that make  
617 reunification with the parent and adoption not viable options within  
618 the foreseeable future, and (2) "commissioner" means the  
619 Commissioner of Children and Families.

620 (b) The commissioner shall establish a program of subsidized  
621 guardianship for the benefit of children who have been in foster care  
622 for not less than six consecutive months, for whom neither  
623 reunification with a parent nor adoption is an appropriate permanency  
624 option, and who have been living with a caregiver. A caregiver may  
625 request a guardianship subsidy from the commissioner.

626 (c) If a caregiver who is receiving a guardianship subsidy for a child  
627 is also caring for the child's sibling, the commissioner shall provide a  
628 guardianship subsidy to such caregiver in accordance with regulations  
629 adopted by the commissioner pursuant to subsection (e) of this section.  
630 For purposes of this subsection, "child's sibling" includes a stepbrother,

631 stepsister, a half-brother or a half-sister.

632 (d) The commissioner shall provide the following subsidies under  
633 the subsidized guardianship program in accordance with this section  
634 and the regulations adopted pursuant to subsection (e) of this section:  
635 (1) A special-need subsidy, which shall be a lump sum payment for  
636 one-time expenses resulting from the assumption of care of the child  
637 and shall not exceed two thousand dollars; and (2) a medical subsidy  
638 comparable to the medical subsidy to children in the subsidized  
639 adoption program. The subsidized guardianship program shall also  
640 provide a monthly subsidy on behalf of the child payable to the  
641 caregiver that is based on the circumstances of the caregiver and the  
642 needs of the child and shall not exceed the foster care maintenance  
643 payment that would have been paid on behalf of the child if the child  
644 had remained in licensed foster care.

645 (e) The commissioner shall adopt regulations, in accordance with  
646 chapter 54, implementing the subsidized guardianship program  
647 established under this section. Such regulations shall include all  
648 federal requirements necessary to maximize federal reimbursement  
649 available to the state, including, but not limited to, (1) eligibility for the  
650 program, (2) the maximum age at which a child is no longer eligible for  
651 a guardianship subsidy, including the maximum age, for purposes of  
652 claiming federal reimbursement under Title IV-E of the Social Security  
653 Act, at which a child is no longer eligible for a guardianship subsidy,  
654 and (3) a procedure for determining the types and amounts of the  
655 subsidies.

656 (f) (1) [At a minimum, the] A guardianship subsidy provided  
657 [under] pursuant to this section shall continue, subject to the  
658 commissioner's annual review, until the child reaches the age of  
659 eighteen, [or the age of twenty-one if such child is in full-time  
660 attendance at a secondary school, technical school or college or is in a  
661 state accredited job training program or otherwise meets the criteria set  
662 forth in federal law.

663 (2)] A guardianship subsidy provided pursuant to this section may

664 [be provided for a child] continue, subject to the commissioner's  
665 annual review, through [his or her] the child's twenty-first birthday,  
666 provided [: (A) The transfer of guardianship to a successor guardian,  
667 as provided in subsection (i) of this section, was finalized on or after  
668 October 1, 2013; (B) the child was sixteen years of age or older when  
669 such transfer was finalized; and (C)] the child is [(i)] (A) enrolled in a  
670 full-time approved secondary education program or an approved  
671 program leading to an equivalent credential, [(ii)] (B) enrolled full time  
672 in an institution that provides postsecondary or vocational education,  
673 or [(iii)] (C) participating full time in a program or activity approved  
674 by the commissioner that is designed to promote or remove barriers to  
675 employment. The commissioner, in his or her discretion, may waive  
676 the provision of full-time enrollment or participation based on  
677 compelling circumstances. To receive a guardianship subsidy pursuant  
678 to this subsection, the guardian shall, at the time of the annual review,  
679 submit to the commissioner a sworn statement that the child is still  
680 meeting the requirements of [clause (i), (ii) or (iii) of subparagraph (C)  
681 of this subdivision] subparagraphs (A) to (C), inclusive, of this  
682 subdivision, provided the commissioner, in his or her discretion, may  
683 waive such requirements based on compelling circumstances.

684 [(3)] (2) Annually, the subsidized guardian shall submit to the  
685 commissioner a sworn statement that the child is still living with and  
686 receiving support from the guardian. The commissioner, or the  
687 commissioner's designee, may require that the subsidized guardian  
688 submit any additional documentation that the commissioner or  
689 designee deems necessary for the purpose of determining whether  
690 such child is still living with and receiving support from the  
691 subsidized guardian. The parent of any child receiving assistance  
692 through the subsidized guardianship program shall remain liable for  
693 the support of the child as required by the general statutes.

694 (g) A guardianship subsidy shall not be included in the calculation  
695 of household income in determining eligibility for benefits of the  
696 caregiver of the subsidized child or other persons living within the  
697 household of the caregiver.

698 (h) Payments for guardianship subsidies shall be made from  
699 moneys available from any source to the commissioner for child  
700 welfare purposes. The commissioner shall develop and implement a  
701 plan that: (1) Maximizes use of the subsidized guardianship program  
702 to decrease the number of children in the legal custody of the  
703 commissioner and to reduce the number of children who would  
704 otherwise be placed into nonrelative foster care when there is a  
705 caregiver willing to provide care; (2) maximizes federal reimbursement  
706 for the costs of the subsidized guardianship program, provided  
707 whatever federal maximization method is employed shall not result in  
708 the caregiver of a child being subject to work requirements as a  
709 condition of receipt of benefits for the child or the benefits restricted in  
710 time or scope other than as specified in subsection (c) of this section;  
711 and (3) ensures necessary transfers of funds between agencies and  
712 interagency coordination in program implementation. The  
713 commissioner shall seek all federal waivers and reimbursement as are  
714 necessary and appropriate to implement this plan.

715 (i) In the case of the death, severe disability or serious illness of a  
716 caregiver who is receiving a guardianship subsidy, the commissioner  
717 may transfer the guardianship subsidy to a successor guardian who  
718 meets the department's foster care safety requirements and who is  
719 appointed as legal guardian by a court of competent jurisdiction. For  
720 purposes of maximizing federal reimbursement for the costs of the  
721 subsidized guardianship program, the commissioner shall request that  
722 the caregiver identify such successor guardian in the subsidy  
723 agreement and any addendum thereto.

724 (j) Nothing in this section shall prohibit the commissioner from  
725 continuing to pay guardianship subsidies to those relative caregivers  
726 who entered into written subsidy agreements with the Department of  
727 Children and Families prior to October 5, 2009.

728 (k) Not less than thirty days prior to the termination or reduction of  
729 a guardianship subsidy, the commissioner shall (1) provide written  
730 notice of such reduction or termination to the caregiver receiving such

731 subsidy, and (2) provide such caregiver with a hearing before the  
732 [Subsidy Review Board] department in accordance with the provisions  
733 of chapter 54. If such an appeal is taken, the subsidy shall continue  
734 without modification until the final decision of the [Subsidy Review  
735 Board] department.

736 Sec. 6. Section 17a-101i of the general statutes is repealed and the  
737 following is substituted in lieu thereof (*Effective July 1, 2017*):

738 (a) Notwithstanding any provision of the general statutes, not later  
739 than five working days after an investigation of a report that a child  
740 has been abused or neglected by a school employee, as defined in  
741 section 53a-65, or that a person is a victim, as described in subdivision  
742 (2) of subsection (a) of section 17a-101a, of a school employee has been  
743 completed, the Commissioner of Children and Families shall notify the  
744 employing superintendent and the Commissioner of Education of the  
745 results of such investigation and shall provide records, whether or not  
746 created by the department, concerning such investigation to the  
747 superintendent and the Commissioner of Education. The  
748 Commissioner of Children and Families shall provide such notice  
749 whether or not the child or victim was a student in the employing  
750 school or school district. If the Commissioner of Children and Families,  
751 based upon the results of the investigation, has reasonable cause to  
752 believe that (1) (A) a child has been abused or neglected, as described  
753 in section 46b-120, by such employee, and (B) the commissioner  
754 recommends such school employee be placed on the child abuse and  
755 neglect registry established pursuant to section 17a-101k, or (2) a  
756 person is a victim, as described in subdivision (2) of subsection (a) of  
757 section 17a-101a, of such school employee, the superintendent shall  
758 suspend such school employee. Such suspension shall be with pay and  
759 shall not result in the diminution or termination of benefits to such  
760 employee. Not later than seventy-two hours after such suspension the  
761 superintendent shall notify the local or regional board of education  
762 and the Commissioner of Education, or the commissioner's  
763 representative, of the reasons for and conditions of the suspension. The  
764 superintendent shall disclose such records to the Commissioner of



765 Education and the local or regional board of education or its attorney  
766 for purposes of review of employment status or the status of such  
767 employee's certificate, permit or authorization. The suspension of a  
768 school employee employed in a position requiring a certificate shall  
769 remain in effect until the board of education acts pursuant to the  
770 provisions of section 10-151. If the contract of employment of such  
771 certified school employee is terminated, or such certified school  
772 employee resigns such employment, the superintendent shall notify  
773 the Commissioner of Education, or the commissioner's representative,  
774 within seventy-two hours after such termination or resignation. Upon  
775 receipt of such notice from the superintendent, the Commissioner of  
776 Education may commence certification revocation proceedings  
777 pursuant to the provisions of subsection (i) of section 10-145b.  
778 Notwithstanding the provisions of sections 1-210 and 1-211,  
779 information received by the Commissioner of Education, or the  
780 commissioner's representative, pursuant to this section shall be  
781 confidential subject to regulations adopted by the State Board of  
782 Education under section 10-145g. No local or regional board of  
783 education shall employ a person whose employment contract is  
784 terminated or who resigned from employment following a suspension  
785 pursuant to the provisions of this subsection if such person is  
786 convicted of a crime involving an act of child abuse or neglect as  
787 described in section 46b-120 or a violation of section 53a-70, 53a-70a,  
788 53a-71, 53a-72a, 53a-72b or 53a-73a against any person who is being  
789 educated by the technical high school system or a local or regional  
790 board of education, other than as part of an adult education program.

791 (b) Not later than five working days after an investigation of a  
792 report that a child has been abused or neglected by a staff member of a  
793 public or private institution or facility that provides care for children  
794 or a private school has been completed, the Commissioner of Children  
795 and Families shall notify such staff member's employer at such  
796 institution, facility or school, or such employer's designee, of the  
797 results of the investigation. If (1) the Commissioner of Children and  
798 Families, based upon the results of the investigation, has reasonable  
799 cause to believe that a child has been abused or neglected by such staff

800 member, and (2) the commissioner recommends that such staff  
801 member be placed on the child abuse and neglect registry established  
802 pursuant to section 17a-101k, such institution, facility or school shall  
803 suspend such staff person. Such suspension shall be with pay and shall  
804 not result in diminution or termination of benefits to such staff person.  
805 Such suspension shall remain in effect until the incident of abuse or  
806 neglect has been satisfactorily resolved by the employer of the staff  
807 person or until an appeal, conducted in accordance with section 17a-  
808 101k, has resulted in a finding that such staff person is not responsible  
809 for the abuse or neglect or does not pose a risk to the health, safety or  
810 well-being of children.

811 (c) If [such] a school employee, as defined in section 53a-65, or a  
812 staff member described in subsection (b) of this section has a  
813 professional license or certificate issued by the state or a permit or  
814 authorization issued by the State Board of Education or if [such] the  
815 institution, school or facility employing the school employee or staff  
816 member has a license or approval issued by the state, the  
817 commissioner shall forthwith notify the state agency responsible for  
818 issuing such license, certificate, permit, approval or authorization [to  
819 the staff member] of the results of any investigation described in  
820 subsection (a) or (b) of this section pertaining to such school employee  
821 or staff member and provide records, whether or not created by the  
822 department, concerning such investigation.

823 [(c)] (d) If a school employee, as defined in section 53a-65, or any  
824 person holding a certificate, permit or authorization issued by the State  
825 Board of Education under the provisions of sections 10-144o to 10-149,  
826 inclusive, is convicted of a crime involving an act of child abuse or  
827 neglect as described in section 46b-120 or a violation of subdivision (2)  
828 of subsection (b) of section 17a-101a or section 53-21, 53a-71 or 53a-73a  
829 against any person, or a violation of section 53a-70, 53a-70a, 53a-72a or  
830 53a-72b against a victim, as described in subdivision (2) of subsection  
831 (a) of section 17a-101a, the state's attorney for the judicial district in  
832 which the conviction occurred shall in writing notify the  
833 superintendent of the school district or the supervisory agent of the

834 nonpublic school in which the person is employed and the  
835 Commissioner of Education of such conviction.

836     ~~[(d)]~~ (e) For the purposes of receiving and making reports, notifying  
837 and receiving notification, or investigating, pursuant to the provisions  
838 of sections 17a-101a to 17a-101h, inclusive, and 17a-103, a  
839 superintendent of a school district or a supervisory agent of a  
840 nonpublic school may assign a designee to act on such  
841 superintendent's or agent's behalf.

842     ~~[(e)]~~ (f) On or before February 1, 2016, each local and regional board  
843 of education shall adopt a written policy, in accordance with the  
844 provisions of subsection (d) of section 17a-101, regarding the reporting  
845 by school employees, as defined in section 53a-65, of suspected child  
846 abuse or neglect in accordance with sections 17a-101a to 17a-101d,  
847 inclusive, and 17a-103 or a violation of section 53-70, 53a-70a, 53a-71,  
848 53a-72a, 53a-72b or 53a-73a against a victim, as described in  
849 subdivision (2) of subsection (a) of section ~~[17a-101i]~~ 17a-101a. Such  
850 policy shall be distributed annually to all school employees employed  
851 by the local or regional board of education. The local or regional board  
852 of education shall document that all such school employees have  
853 received such written policy and completed the training and refresher  
854 training programs required by subsection (c) of section 17a-101, as  
855 amended by this act.

856     ~~[(f)]~~ (g) (1) Each school employee, as defined in section 53a-65, hired  
857 by a local or regional board of education on or after July 1, 2011, shall  
858 be required to complete the training program developed pursuant to  
859 subsection (c) of section 17a-101, as amended by this act. Each such  
860 school employee shall complete the refresher training program,  
861 developed pursuant to subsection (c) of section 17a-101, as amended  
862 by this act, not later than three years after completion of the initial  
863 training program, and shall thereafter retake such refresher training  
864 course at least once every three years.

865     (2) On or before July 1, 2012, each school employee, as defined in  
866 section 53a-65, hired by a local or regional board of education before

867 July 1, 2011, shall complete the refresher training program developed  
868 pursuant to subsection (c) of section 17a-101, as amended by this act,  
869 and shall thereafter retake such refresher training course at least once  
870 every three years.

871 (3) The principal for each school under the jurisdiction of a local or  
872 regional board of education shall annually certify to the  
873 superintendent for the board of education that each school employee,  
874 as defined in section 53a-65, working at such school, is in compliance  
875 with the provisions of this subsection. The superintendent shall certify  
876 such compliance to the State Board of Education.

877 Sec. 7. Subsection (c) of section 17a-101 of the general statutes is  
878 repealed and the following is substituted in lieu thereof (*Effective July*  
879 *1, 2017*):

880 (c) The Commissioner of Children and Families shall develop an  
881 educational training program and refresher training program for the  
882 accurate and prompt identification and reporting of child abuse and  
883 neglect. Such training program and refresher training program shall be  
884 made available to all persons mandated to report child abuse and  
885 neglect at various times and locations throughout the state as  
886 determined by the Commissioner of Children and Families. Such  
887 training program and refresher training program shall be provided in  
888 accordance with the provisions of subsection [(f)] (g) of section 17a-  
889 101i, as amended by this act, to each school employee, as defined in  
890 section 53a-65, within available appropriations.

891 Sec. 8. Section 17a-145 of the general statutes is repealed and the  
892 following is substituted in lieu thereof (*Effective July 1, 2017*):

893 (a) No person or entity shall care for or board a child without a  
894 license obtained from the Commissioner of Children and Families,  
895 except: (1) When a child has been placed by a person or entity holding  
896 a license from the commissioner; (2) any residential educational  
897 institution exempted by the State Board of Education under the  
898 provisions of section 17a-152; (3) residential facilities licensed by the

899 Department of Developmental Services pursuant to section 17a-227; (4)  
900 facilities providing child care services, as defined in section 19a-77; or  
901 (5) any home that houses students participating in a program  
902 described in subparagraph (B) of subdivision (8) of section 10a-29. The  
903 person or entity seeking a child care facility license shall file with the  
904 commissioner an application for a license, in such form as the  
905 commissioner furnishes, stating the location where it is proposed to  
906 care for such child, the number of children to be cared for, in the case  
907 of a corporation, the purpose of the corporation and the names of its  
908 chief officers and of the actual person responsible for the child. The  
909 Commissioner of Children and Families is authorized to fix the  
910 maximum number of children to be boarded and cared for in any such  
911 home or institution or by any person or entity licensed by the  
912 commissioner. If the population served at any facility, institution or  
913 home operated by any person or entity licensed under this section  
914 changes after such license is issued, such person or entity shall file a  
915 new license application with the commissioner, and the commissioner  
916 shall notify the chief executive officer of the municipality in which the  
917 facility is located of such new license application, except that no  
918 confidential client information may be disclosed.

919 (b) The Commissioner of Children and Families shall adopt  
920 regulations, in accordance with the provisions of chapter 54, setting  
921 forth standards for the licensing of child care facilities. Such  
922 regulations shall include, but not be limited to, minimum standards for  
923 (1) the physical requirements of such facilities, (2) the care and  
924 treatment of children cared for or boarded in such facilities, and (3) the  
925 staffing of such facilities.

926 ~~[(b)]~~ (c) Each person or entity licensed by the commissioner  
927 pursuant to subsection (a) of this section shall designate an on-site staff  
928 member who shall apply a reasonable and prudent parent standard, as  
929 defined in subsection (a) of section 17a-114d, on behalf of the child.

930 ~~[(c)]~~ (d) The Commissioner of Children and Families shall not be  
931 responsible for the licensing of any facility that does not board or care

932 for children or youths under eighteen years of age.

933 Sec. 9. Section 17a-150 of the general statutes is repealed and the  
934 following is substituted in lieu thereof (*Effective July 1, 2017*):

935 [(a)] The Commissioner of Children and Families shall adopt  
936 regulations in accordance with chapter 54 setting forth standards for  
937 licensing of [persons or entities which place children. The regulations  
938 shall require a person or entity licensed on or after March 9, 1984, to]  
939 child-placing agencies, as defined in section 17a-93. Such regulations  
940 shall (1) set minimum standards for homes in which children may be  
941 placed, (2) require that a child-placing agency have a minimum of two  
942 staff persons who are qualified by a combination of education and  
943 work experience, and (3) require that a child-placing agency be a  
944 nonprofit organization qualified as a tax-exempt organization under  
945 Section 501(c)(3) of the Internal Revenue Code of 1986, or any  
946 subsequent corresponding internal revenue code of the United States,  
947 as from time to time amended.

948 [(b) Said commissioner shall adopt regulations prescribing the  
949 minimum standards for homes in which children may be placed.]

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2017</i>	17a-28
Sec. 2	<i>July 1, 2017</i>	17a-117
Sec. 3	<i>July 1, 2017</i>	17a-118(a)
Sec. 4	<i>July 1, 2017</i>	17a-120
Sec. 5	<i>July 1, 2017</i>	17a-126
Sec. 6	<i>July 1, 2017</i>	17a-101i
Sec. 7	<i>July 1, 2017</i>	17a-101(c)
Sec. 8	<i>July 1, 2017</i>	17a-145
Sec. 9	<i>July 1, 2017</i>	17a-150

**KID** Joint Favorable Subst.

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

### ***OFA Fiscal Note***

#### ***State Impact:***

<b>Agency Affected</b>	<b>Fund-Effect</b>	<b>FY 18 \$</b>	<b>FY 19 \$</b>
Children & Families, Dept.	GF - Potential Savings	See Below	See Below
Children & Families, Dept.	GF - Potential Revenue Gain	Minimal	Minimal

Note: GF=General Fund

***Municipal Impact:*** None

#### ***Explanation***

The bill allows, rather than requires, the Department of Children and Families (DCF) to provide subsidies for certain guardianship cases where the child is aged 18-20. To the extent that fewer guardianship subsidies are provided under the bill, savings will result. Additionally, the bill allows DCF to charge a reasonable fee for record requests that exceed 100 pages in length. The definition of reasonable fee is not explicitly stated, but will result in a minimal revenue gain when the fee is charged.

#### ***The Out Years***

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

**OLR Bill Analysis****sSB 893*****AN ACT CONCERNING REVISIONS TO CERTAIN STATUTES REGARDING THE DEPARTMENT OF CHILDREN AND FAMILIES.*****SUMMARY**

This bill makes various changes to the laws governing the Department of Children and Families (DCF).

Under certain circumstances, DCF may provide subsidies to (1) parents who adopt children with special needs and (2) relative caregivers who are acting as foster parents. The bill makes changes to the statutes governing these subsidies by:

1. eliminating the Subsidy Review Board and instead providing recipients aggrieved by a department decision related to a subsidy the opportunity for an administrative hearing in accordance with the Uniform Administrative Procedures Act (UAPA);
2. subjecting all guardianship subsidies to the commissioner's annual review;
3. permitting, rather than requiring, DCF to provide subsidies for youths age 18 to 20 who fulfill certain requirements; and
4. allowing DCF to require subsidy recipients to submit additional documentation as part of the annual or biennial review process.

The bill adds to the list of entities to whom DCF, under certain circumstances, must, or may, disclose its records without the subject's consent. It allows the department to charge a reasonable fee for any record disclosure over 100 pages long, but the fee must be waived if the requester is indigent.



The bill also requires DCF to notify the appropriate credentialing agency of the results of an investigation into child abuse or neglect by a school employee or staff member at a child care facility.

Additionally, the bill (1) requires the DCF commissioner to adopt regulations related to child care facilities it licenses and (2) makes several technical and conforming changes.

EFFECTIVE DATE: July 1, 2017

## **§§ 2 - 5 — ADOPTION AND GUARDIANSHIP SUBSIDIES**

By law, DCF provides subsidies through its subsidized guardianship program to relative caregivers in cases where the child has been in foster care for at least six consecutive months and neither parental reunification nor adoption is an appropriate permanency goal. Under certain circumstances, the department also provides one-time or periodic subsidies, or both, to parents who adopt a child with special needs.

### ***Subsidy Review Board***

The bill eliminates the Subsidy Review Board tasked with hearing appeals of DCF decisions regarding adoption or guardianship subsidies. Current law (1) requires the board to consist of the DCF commissioner or her designee, a child-placing agency representative, and an adoptive parent appointed by the governor; (2) permits licensed child placing agencies and adoptive parents to appeal to the board any subsidy decision the commissioner makes; and (3) requires DCF to provide subsidy recipients aggrieved by a department decision a hearing before the board within specified timeframes. Under the bill, such an aggrieved recipient must instead be provided a hearing before the department that is held in accordance with the UAPA.

### ***Guardianship Subsidy Duration***

Under current law, DCF must provide subsidies through its subsidized guardianship program to certain foster caretakers (1) until the child turns age 18 or (2) through the child's 21<sup>st</sup> birthday if he or she is attending certain school or vocational training full-time or

otherwise meets criteria in federal law. Current law also provides similar criteria under which successor guardians of foster children may continue to receive such subsidies up until the child turns age 21, subject to the commissioner's annual review.

The bill subjects all guardianship subsidies to the commissioner's annual review. It also eliminates the (1) requirement that DCF continue the subsidies for children age 18 to 20 who fulfill certain education or training requirements, and (2) separate subsidy criteria for children in the care of successor guardians.

Under the bill, the commissioner may provide guardianship subsidies for children ages 18 to 20 if they are:

1. enrolled in a full-time approved secondary education program or an approved program leading to an equivalent credential,
2. enrolled full-time in a postsecondary or vocational education institution, or
3. participating full-time in a program of activity the commissioner approved that is designed to promote or remove employment barriers.

The bill permits the commissioner, at her discretion, to waive the enrollment or participation requirements based on compelling circumstances. Currently, she may only waive the criteria for the successor guardian subsidies.

### ***Subsidy Review Requirements***

By law, adoption subsidies for children between ages 18 and 21 are subject to annual review by the department, and adoption subsidies for children under age 18 are subject to biennial review. The bill permits DCF, as part of the subsidy review process, to require adoptive parents to submit any additional documentation it deems necessary to complete the review.

By law, a subsidized guardian must annually submit a sworn

statement to the commissioner that the child is still living with and receiving support from the guardian. The bill permits DCF to require the guardian to submit any additional documentation it deems necessary to verify this information.

## **§ 1 — RECORD DISCLOSURE**

### ***Required Disclosures***

By law, DCF must disclose its records without the subject's consent to certain entities and under certain circumstances. The bill requires such disclosures to an attorney representing a parent, guardian, or child in a child abuse or neglect or termination of parental rights proceeding. But if the records do not pertain to the attorney's client or the client's child, the bill prohibits the attorney from further disclosing them without a court order.

The bill also specifies that if the records are confidential under federal law, they may not be disclosed to the attorney or client unless he or she is otherwise entitled to them. Additionally, it specifies that these provisions do not limit the disclosures current law requires DCF to make to an attorney or guardian ad litem who represents a child or youth in litigation affecting his or her best interest.

The bill requires DCF to disclose its records without the subject's consent to the Department of Public Health (DPH) to notify the department when the DCF commissioner places a DPH-licensed or -certified individual on the child abuse or neglect registry.

The bill also requires DCF to disclose records without the subject's consent to state agencies that license or certify individuals to provide services to children or youths, in addition to agencies that provide such licenses or certify individuals who educate or care for them as required under current law.

### ***Permitted Disclosures***

The law also permits DCF to disclose records without the subject's consent to certain entities and under certain circumstances. Current law permits DCF to make such disclosures to individuals or agencies

under contract with DCF to identify and assess a potential foster or adoptive home for a child or youth, provided information about the child's or youth's parent may not be disclosed without the parent's permission. The bill additionally allows DCF to make such disclosures, with the same limitation on parent information, to DCF-contracted entities to identify and assess a visiting resource for a child or youth.

The bill also broadens the circumstances in which DCF may disclose records without the subject's consent to an individual or organization that provides medical, psychological, or psychiatric diagnosis and treatment. Currently, DCF may do so if the entity is treating an individual who, following an investigation, the department determined had perpetrated abuse or neglect or was unwilling or unable to protect a child from abuse or neglect. The bill instead permits DCF to make the disclosures to such entities that are treating a person. In this context, a "person" includes an individual named in the record, his or her authorized representative if he or she is deceased, or the subject's parent or guardian if he or she is still a minor. As under current law, the department may make such a disclosure only if it determines that the disclosure is necessary to accomplish the diagnosis or treatment objectives.

The bill also permits DCF to disclose records without the subject's consent to locate an individual's missing sibling, aunt, uncle, first cousin, or grandparent. Under current law and the bill (1) DCF may also make these disclosures to locate an individual's missing parent or child and (2) the disclosures must be limited to information to help locate the missing person.

## **§§ 6 & 7 — CHILD ABUSE AND NEGLECT INVESTIGATIONS**

The law requires DCF to take certain steps specific to investigations of alleged child abuse or neglect by a school employee or a staff member of a private school or private child care facility or institution. Under the bill, if the employee or staff member DCF investigated has a state-issued license or certificate or State Board of Education-issued permit or authorization or his or her employing school, institution or

facility has a state-issued license or approval, the commissioner must notify the agency responsible for that credential of the investigation results.

The bill also requires DCF to provide records of the investigation to the agency responsible for credentialing the (1) school employee who was investigated and (2) school where he or she works. It must already provide such records to the agency responsible for credentialing the (1) staff member who was investigated or (2) institution, school, or facility where the staff member works.

Existing law, unchanged by the bill, requires DCF to notify, within certain timeframes, (1) the education commissioner and employing superintendent of the results of an investigation into alleged abuse or neglect by a school employee and provide related records and (2) private schools and public and private childcare facilities of the results of an investigation into alleged abuse or neglect by employees or staff members they employ.

## **§§ 8 & 9 — REGULATIONS**

The bill requires DCF to adopt regulations that set standards for licensing child care facilities that include minimum standards for (1) the facilities' physical requirements, (2) care and treatment of children cared for or boarded in the facilities, and (3) staffing. (These facilities do not include child day care facilities, which are licensed by the Office of Early Childhood.) It also clarifies that the agency must adopt regulations for child-placing agencies, rather than for persons or entities that place children as required by current law.

## **COMMITTEE ACTION**

Committee on Children

Joint Favorable Substitute

Yea 12      Nay 0      (03/07/2017)